



SUMMARIZED MINUTES

**City of Scottsdale
JUDICIAL APPOINTMENTS ADVISORY BOARD
Regular Meeting
5:30 p.m., Thursday, November 5, 2009
Human Resources Pinnacle Training Room
7575 E. Main Street**

PRESENT: Daniel Schmidt, Chairperson
Gordon Griller
Judge Jean Hoag
Christopher Lonn
Judge John Rea
Paul Rybarsyk
Francis Scanlon

STAFF PRESENT: Jay Osborn
Judy Dewey
Valerie Wegner

CALL TO ORDER

Chairperson Schmidt called the meeting to order at 5:48 p.m.

ROLL CALL

A formal roll call confirmed the presence of Board Members as noted above.

1. APPROVAL OF MINUTES OF PUBLIC MEETING CONDUCTED ON JANUARY 24, 2008

**BOARD MEMBER RYBARSYK MOVED APPROVAL OF THE MINUTES OF THE
PUBLIC MEETING ON JANUARY 24, 2008. JUDGE HOAG SECONDED THE
MOTION, WHICH CARRIED BY A UNANIMOUS VOTE OF SEVEN (7) TO ZERO (0).**

2. APPOINTMENT OF NEW JUDICIAL APPOINTMENTS ADVISORY BOARD MEMBERS

All Board Members introduced themselves including new board members Judge John Rea and Francis Scanlon.

3. PUBLIC SERVICE ETHICS TRAINING FOR APPOINTED CITY OFFICIALS

Senior Assistant City Attorney Jay Osborn presented the annual Ethics Training for appointed City officials, and collected the required paperwork after the presentation.

Chair Schmidt noted that former City Attorney Robberson used the phrase “take legal action” several times throughout the DVD presentation. He asked whether JAAB would actually take a legal action, considering its duties and responsibilities. Mr. Osborn explained the term was from an Attorney General’s opinion, and described a broad range of things including discussion, deliberation, and action.

In response to an inquiry by Board Member Lonn, Mr. Osborn explained that any action taken at a board meeting that violates the Open Meeting Law would be null and void.

4. TIMELINE FOR JUDGE WENDY MORTON’S JUDICIAL REAPPOINTMENT

Chair Schmidt indicated Judge Morton’s reappointment would potentially be for a four-year term. Her term expires January 4, 2010.

Valerie Wegner explained that the surveys have already been distributed, and that Research and Information Specialists would submit the reports by Friday, November 13, 2009. Board Members’ packets will be distributed for review before the public hearing regarding Judge Morton’s reappointment. The interview and public hearing is confirmed for Thursday, November 19, 2009. Ads have been placed announcing the public hearing. Ms. Wegner indicated she would be forwarding Judge Morton the form for the background check, and it will be completed before the public hearing.

Ms. Wegner indicated Judge Morton’s reappointment will be considered by City Council on December 8, 2009.

Ms. Wegner distributed the due diligence interview assignments. Mr. Osborn suggested that the due diligence interviews be scripted. The information must remain confidential and discussed only in executive session, which is agendized separately from the Board’s regular public meeting.

Board Member Rybarsyk noted that board members are not limited by the names they are given, and can interview other individuals, as they deem necessary and appropriate.

Judge Hoag asked if the schedule attached to the packet is Judge Morton’s court calendar. Ms. Wegner indicated it was her schedule for the next two weeks. Board Members can sit in and observe at any time. Judge Hoag asked for more detailed information regarding Judge Morton’s calendar, and Ms. Wegner stated she would forward that information to the Board as soon as possible.

Ms. Wegner indicated Board Members could start contacting individuals for interviews at any time. The Board discussed the interview process, and Board Member Lonn stated it is sometimes helpful to assure interviewees that the information they share is confidential.

Board Member Griller said it would be important to compare comments from the last reappointment interviews, if any other Board Members kept that information. Board Member Rea informed the Board that he will be out of town on the 19th; however, he would make his calls and submit notes to Ms. Wegner so she can share them in executive session.

5. TIMELINE FOR JUDGE B. MONTE MORGAN'S JUDICIAL REAPPOINTMENT

Chair Schmidt indicated Judge Morgan is the Presiding Judge, and his term expires March 8, 2010. He will be up for a two-year term.

Judge Hoag asked if the review process is completed every two years. Board Member Griller stated the Board strongly suggested that the City Council give serious thought to revising City Charter in order to appoint Judge Morgan for a four-year term. Mr. Osborn explained a charter amendment is required to change the City Charter, which necessitates a vote of the people. The Charter Review Task Force has been presented with this recommendation for consideration.

Ms. Wegner indicated City Council agendas for 2010 are still tentative and have not been confirmed. Historically, reappointment of the presiding judge has taken place over two Council meetings. The Council interviews the judge in executive session, followed by a formal action of reappointment. If the Council wishes to continue this practice, the Board should conduct the public hearing and do the interview with Judge Morgan the week of January 11th, followed by an executive session interview with City Council on February 2nd and a City Council agenda item for reappointment on February 16th.

6. ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON

Chair Schmidt explained the election process and term limits of the Board. At Board Member Griller's request, Mr. Osborn read out the term end dates of all Board Members.

Board Member Rybarsyk nominated Board Member Griller as JAAB Chairperson. Board Member Griller noted that his term expires in September 2010. Mr. Osborn explained if the Board loses its Chairperson, the Vice Chair takes that position.

BOARD MEMBER RYBARSYK NOMINATED BOARD MEMBER GRILLER AS JAAB CHAIRPERSON. CHAIR SCHMIDT SECONDED THE NOMINATION. THE VOTE PASSED BY A UNANIMOUS VOTE OF SEVEN (7) TO ZERO (0).

BOARD MEMBER LONN NOMINATED BOARD MEMBER RYBARSYK AS JAAB VICE-CHAIRPERSON. JUDGE HOAG SECONDED THE MOTION. THE VOTE PASSED BY A UNANIMOUS VOTE OF SEVEN (7) TO ZERO (0).

7. FUTURE AGENDA ITEMS

Chair Schmidt noted the next meeting would mainly be concerning Judge Wendy Morton's reappointment process.

Board Member Rybarsyk suggested the next agenda include a discussion about changing the City Charter regarding the presiding judge's term limits.

ADJOURNMENT

With no further business to discuss, being duly moved and seconded, the meeting of the Scottsdale Judicial Appointments Advisory Board adjourned at 7:28 p.m.

Respectfully submitted,
Valerie Wegner
HR Office Coordination Manager

Reviewed by,
Gordon Griller
JAAB Chairperson